UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/193,787	11/17/1998	JAY PAUL DRUMMOND	D1077+1	2446

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EXAMINER
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ART UNIT	PAPER NUMBER
3621	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _05 June 2003_.
2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-30_ is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) _1-30_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☐ All   b) ☐ Some * c) ☐ None of:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. _____.
    3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
        application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.
4) ☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _26_.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   Claims 1-30 have been examined.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3.   Claim 12 is rejected under 35 U.S.C. 112, first paragraph, because this is a "single means claim". "A means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. *In re Hyatt,* 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for he scope of the claim because the specification disclosed at most only those means known to the inventor.) When claims depend on a recited property, a fact situation comparable to *Hyatt* is possible where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor" (see MPEP 2164.08(a). Further, there are no distinct functions that make the device of claim 12 an ATM.

4.   Claim 27 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. That is, the step performed in claim 27 is unclear; the computer of claim 16 performs the step of carrying out at least a portion of a banking transaction with the transaction

function device responsive to processing at least one mark up language document, and claim 27

(which depends on claim 16) utilizes said computer to perform the step of carrying out of the

portion of a banking transaction processing both markup language document and a software

applet. The examiner believes that the computer must perform the banking transaction

responsive to either the markup language or the software applet, not both. Also, claim 27 does

not further limit claim 16 but instead complicates it, making it confusing tot eh reader. Please

consider revising claim 27 for clarity.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed
in the United States before the invention by the applicant for patent or (2) a patent granted on an application for
patent by another filed in the United States before the invention by the applicant for patent, except that an
international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this
subsection of an application filed in the United States only if the international application designated the United
States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1,3,4,6-14, 16, 18-20, 22-28, and 30 are rejected under 35 U.S.C. 102(e) as being

anticipated by US Patent No. 2004/0006657 to Wagner.

Wagner discloses an output device, wherein the output device outputs information,

whereby a user is enabled to perceive outputs from the output device, an input device, wherein

the input device is operative to receive inputs, whereby a user is enabled to provide inputs to the

machine, a transaction function device, wherein the transaction function device is selectively

operative to carry out a transaction function, a computer wherein the computer is in operative

connection with the output device, the input device and the transaction function device, software

executable in the computer, wherein the software includes a browser, wherein the browser is

operative to process HTML documents including instructions therein, and wherein the transaction function device is operative to carry out the transaction function responsive to the browser processing at least one instruction adapted to cause the computer to cause operation of the transaction function device (see claims 1-8, abstract and paragraphs [0003] and [0020]).

Referring to claim 3, Wagner discloses the transaction function device includes a card reader (see claim 2).

Referring to claim 4, Wagner discloses the transaction function device includes a printer (see claim 5).

Referring to claim 6, Wagner discloses the transaction function device includes a keyboard (see claim 4).

Referring to claim 7, Wagner discloses the software is operative responsive to an instruction to access at least one HTTP record address, wherein the at least one HTTP record address corresponds to at least one HTTP record including instructions adapted to cause the computer to cause operation of the transaction function device (see paragraph [0020]).

Referring to claim 8, Wagner discloses a computer, a browser operating in the computer, a transaction function device inoperative connection with the computer, wherein the transaction function device is operative to cause the ATM to carry out a transaction function responsive to at least one HTML format document that is received by the browser (see claims 1-8, abstract and paragraphs [0003] and [0020]).

Referring to claim 9, Wagner discloses operating a browser in at least one computer in connection with an automated banking machine, receiving at least one HTML format document with the browser, wherein the at least one HTML format document includes at least one

transaction instruction, carrying out a least one transaction function with a transaction function

device in the automated banking machine responsive to the at least one HTML format document

(see claims 1-8, abstract and paragraphs [0003] and [0020]).

Referring to claim 10, Wagner discloses the automated banking machine includes an

output device inoperative connection with the computer and further comprising the step of

producing an output through the output device response to the at least one HTML format

document (see paragraph [0004], lines 13 and 14).

Referring to claim 11, Wagner discloses operating a browser in at least one computer in

operative connection with an automated banking machine, receiving at least one document with

the browser, wherein the document includes at least one transaction instruction embedded

therein, carrying out at least one transaction function with a transaction function device in the

automated banking machine responsive to the at least one document including the at least one

transaction instruction (see claims 1-8, abstract and paragraphs [0003] and [0020]).

Referring to claim 12, Wagner discloses an ATM that operates to conduct at least one

financial transaction responsive to at least one mark-up language document (see claims 1 and 7).

Referring to claim 13, Wagner discloses a computer in operative connection with the

banking machine, at least one transaction function device in the banking machine adapted to

carry out at least a portion of a banking transaction, wherein the computer is adapted to cause at

least one banking transaction to be carried out through operation of the at least one transaction

function device responsive to at least one mark up language document (see claims 1-8, abstract

and paragraphs [0003] and [0020]).

Referring to claims 4 and 28, discloses the computer includes document handling

software (i.e. "browser"), and wherein the computer is operative to carry out the at least one

banking transaction responsive to the document handling software processing the at least one

mark up language document; wherein the document handling software includes a browser,

wherein the computer is adapted to automatically operate at least one transaction function device

responsive to the processing of at lest one mark up language with the document handling

software (see claims 1-8, abstract and paragraphs [0003] and [0020]).

Referring to claim 16, Wagner discloses providing an automated banking machine

including at least one transaction function device, wherein the automated banking machine is in

operative connection with at least one computer, processing at least one mark up language

document with the computer, and carrying out at least a portion of a banking transaction with the

transaction function device responsive to processing the at least one mark up language document

with the computer (see claims 1-8, abstract and paragraphs [0003] and [0020]).

Referring to claims 18 and 19, Wagner discloses the transaction function device includes

at least one reader device, and the portion of the transaction includes reading indicia with the

reading device; wherein the reading device includes a card reader, and wherein an indicia is read

from a card (see claim 2 and paragraph [0015]).

Referring to claim 20, Wagner discloses a transaction function device includes at least

one key, and wherein in the portion of the banking transaction includes sensing an input through

the at least one key (see paragraph [0004], lines 13 and 14).

Referring to claim 22, Wagner discloses the banking machine includes at least one output

device, and further comprises the step of providing at least one output through the output device

responsive to processing at least one mark up language document with the computer (see

paragraph [0004], lines 13-14).

Referring to claim 23, Wagner discloses the computer includes browser software, and

wherein the at least one output is provided responsive to the browser software processing the at

least one mark up language document (see claims 1-7; paragraph [0004], lines 13-14).

Referring to claim 24, Wagner discloses the output device includes a screen and wherein

at least one output includes a visual output through the screen (see paragraph [0019]).

Referring to claim 25, Wagner discloses at least one HTML document is processed by the

computer (see claims 1 and 7).

Referring to claim 26, Wagner discloses the automated banking machine includes an

output device, and wherein processing the at least one mark up language document is operative

to cause the computer to provide and output through the output device and to carry out at least

the portion of the banking transaction (see claims 1, 5, 7; paragraph [0004], lines 13 and 14).

Referring to claim 30, Wagner discloses a display device having a display screen,

wherein the computer includes document handling software (i.e. browser), wherein the computer

is operative to automatically display at least one visual output through the display device

responsive to processing at least on mark up language document with the computer (see

paragraph [0019], claims 1 and 7).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner as applied to claim 1 above.

Wagner discloses an ATM dispensing cash (see paragraph [0004] and claim 1 above). Wagner does not explicitly disclose the ATM comprises a sheet dispenser; however, in order for the ATM to dispense cash it must comprise a sheet dispenser. Thus, this is an inherent step; also, it is known in the art that an ATM comprises a sheet dispenser. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the ATM disclose by Wagner to include a sheet dispenser. One of ordinary skill in the art would have been motivated to do this because it is a convenient means for withdrawing cash.

Referring to claim 5, Wagner discloses an ATM (see claim 1 above). Wagner does not expressly disclose the transaction function device includes a depository. However, it is known in the art that an ATM comprises a depository; therefore, this is an obvious and inherent step. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the ATM disclose by Wagner to include a depository. One of ordinary skill in the art would have been motivated to do this because it is a convenient means for crediting funds.

8.   Claims 15 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner as applied to claims 13 and 14 respectively above.

Wagner discloses an ATM dispensing cash (see paragraph [0004] and claim 1 above). Wagner does not explicitly disclose the ATM comprises a note dispenser; however, in order for

the ATM to dispense cash it must comprise a note dispenser. Thus, this is an inherent step; also, it is known in the art that an ATM comprises a note dispenser. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the ATM disclose by Wagner to include a note dispenser. One of ordinary skill in the art would have been motivated to do this because it is a convenient means for withdrawing notes.

Referring to claim 29, Wagner discloses an ATM dispensing cash (see paragraph [0004] and claim 1 above). Wagner does not explicitly disclose the ATM comprises a currency sheet dispenser; however, in order for the ATM to dispense cash it must comprise a currency sheet dispenser. Thus, this is an inherent step; also, it is known in the art that an ATM comprises a currency sheet dispenser. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the ATM disclose by Wagner to include a currency sheet dispenser. One of ordinary skill in the art would have been motivated to do this because it is a convenient means for withdrawing currency.

9.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner as applied to claim 16 above.

Wagner discloses an ATM dispensing cash (see paragraph [0004] and claim 1 above). Wagner does not explicitly disclose the ATM comprises a note dispenser; however, in order for the ATM to dispense cash it must comprise a note dispenser. Thus, this is an inherent step; also, it is known in the art that an ATM comprises a note dispenser. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the ATM

disclose by Wagner to include a note dispenser. One of ordinary skill in the art would have been

motivated to do this because it is a convenient means to withdraw notes.

Referring to claim 5, Wagner discloses an ATM (see claim 16 above). Wagner does not

expressly disclose the transaction function device includes a depository. However, it is known in

the art that an ATM comprises a depository, which can receives deposits; therefore, this is an

obvious and inherent step. At the time the invention was made, it would have been obvious to a

person of ordinary skill in the art to modify the ATM disclose by Wagner to include a depository

that can receive deposits. One of ordinary skill in the art would have been motivated to do this

because it is a convenient means of crediting funds.

10.   Claim 27 rejected under 35 U.S.C. 103(a) as being unpatentable over Wagner as applied

to claim 16 above, and further in view of US Patent No. 5905248 to Russell et al.

Wagner discloses carrying out at least a portion of a banking transaction with the

transaction function device includes executing software (see claim 1 and 7). Wagner does not

expressly disclose the function device includes executing software applet instructions. Russell et

al. discloses carrying out of at least a portion of a banking transaction with the transaction

function device includes executing software applet instructions (see col. 6, line 39-46; col. 21,

liens 43-45; abstract). At the time the invention was made, it would have been obvious to a

person of ordinary skill in the art to modify the method disclose by Wagner to include the step of

carrying out of at least a portion of a banking transaction with the transaction function device

includes executing software applet instructions. One of ordinary skill in the art would have been

motivated to do this because web browsers quickly interpret applets form web servers; thus,

resulting in faster processing.

Conclusion

11.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

- US Patent No. 5742845 to Wagner discloses a expanded HTTP protocol that

  communicate with printers, magnetic card readers, credit card terminals, smart card

  reads, check readers, or the like and includes a command which instructs a non-standard

  I/O device.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jalatee Worjloh whose telephone number is 703-305-0057. The

examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Trammell can be reached on 703-305-9768. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306, 703-746-9443 for

Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

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Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,

Arlington, V.A., Seventh floor receptionist.

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February 20, 2004

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